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HONOLULU, TERRITORY OF HAWAII, THURSDAY, DECEMBER 20, 1900.

PRICE 5 CENTS.

WILDERS LOSE IN FEDERAL COURT

Judge Estee Decides Two Admiralty Cases One Way.

CLAUDINE RESPONSIBLE FOR THE COLLISION

Decision Holds With That of Hawaiian Courts in Case of Owners of the Destroyed Vessel.

In the District Court of the United States, in and for the District of Hawaii, Judge Estee this morning rendered a decision in the two admiralty libel cases: J. S. Low, libellant, vs. the steamship Claudine and the Wilder Steamship Company, a corporation, libellee; and John Piltz, libellant, against the same defendants.

The first named libellant sued as assignee for the value of the cargo of the barkentine William Carson, sunk by collision with the Claudine, and the second one as master of the William Carson for the value of personal effects of himself and wife lost in the vessel.

The decision is against the libellees in both cases, agreeing in its law and reasoning with the decisions of the Hawaiian courts in the case of the owners of the William Carson against the same libellees.

Judge Estee fully reviews, and quotes largely from the testimony, among other things saying:

"It is uncontradicted that it was a full minute after the sounding of the steamer's whistle on the Claudine, before she struck the Carson; that the Claudine sailed over 1000 feet a minute; that she could have stopped within five hundred feet but did not do so. Even the captain of the Claudine testified as heretofore referred to, that he 'thought it was possible to stop between the sounding of the whistle and the collision.' What was possible to have been done to avoid a collision should have been done, and throws upon the vessel responsible for the omission the liability for the damage resulting from the collision.

"The statute laws of the Republic of Hawaii on the subject of navigation are as severe as those of the United States, and the decision of the Supreme Court of Hawaii are marked by a broad and enlightened advance step on this subject. See the case of Pacific Navigation Co. vs. Allen, 7 Hawaiian Rep. 12, and Hind et al. vs. Wilder Steamship Co. (not yet reported) where the Court especially defended 'the weaklings of the sea,' the sailing vessels, from being run down either by the carelessness or mistakes of steam vessels, and maintained the navigation laws in all their strictness.

"The fact that there was no regular lookout on the Claudine, and the extraordinary behavior of the second mate in leaving the deck twice, while acting as the officer thereof, when an unknown light was in view, seems to be in keeping with the utter lack of discipline on the steamer. This was particularly noticeable when, after the collision, the second mate, McNeil, was ordered to lower a boat to save the people of the Carson. He testified: 'I went to hunt up the natives; but were here, there and everywhere; but after a while we got men enough together to man a boat.'

"Such an utter lack of discipline on a sea going vessel carrying passengers

can have no excuse, and is susceptible of no apology. What if both vessels had been injured (which was a most possible thing) and both in a sinking condition, and no time was given to 'hunt up' the sailors of the Claudine? "Owners of vessels and especially those who own and employ steamships, whether propellers or sidewheel steamers, must see to it that the masters and other officers entrusted with their control and management are skillful and competent to discharge their duties, so in case of a disaster like the present, both the officers and the vessels are responsible for their want of skill and negligence; and this remark is just as applicable to the under officers, whether the master or second mate, as to the master, during all the time they have charge of the deck." (Chamberlain vs. Ward, 21 How. U. S. 564-5.)

"In conclusion the Court holds that the William Carson was sailing a southwest course, and all the time showed her starboard side to the Claudine; that her lights were properly constructed and placed and were not obscured so as to be invisible to the Claudine, but that the same were brightly burning on the night of the collision, and were visible from a point dead ahead to two points abaft the beam for a distance of two miles; that the Claudine did not have a lookout on the night of the collision, which fact contributed to the accident; that the second mate, while acting as officer of the deck of the Claudine on the night of the collision, after decrying the moving lights of the William Carson, against all precedent, twice left his post of duty and went below; that the Claudine did not slow down, stop or reverse, or change her course in time to avoid the collision, when she could have done so; that the Claudine attempted to cross the bow of the William Carson when she was in motion and when such action would necessarily lead to a collision; that if the Claudine did not observe the green starboard light of the William Carson, it was clearly the fault of the second mate acting as officer of the deck of the Claudine; that the William Carson did not contribute at all to the collision, but that the same was due to the negligence and unskillful navigation of the steamship Claudine, for which the said steamship and her owners are liable.

"Let a decree be entered in favor of J. S. Low the libellant for \$5000, with interest and costs from the date of the collision; and in favor of John Piltz, libellant, for the sum of \$1162.80, the value of the articles proven to have been lost by him, together with interest from date of collision and costs.

"Nothing is allowed the libellant in the case of Piltz vs. Wilder Steamship Co. et al., for the personal effects proven to have belonged to his wife, as it does not appear to the Court that he was authorized to sue for or maintain an action for the same."

Paul Neumann for libellants; Kinney, Ballou & McClanahan for libellees.

McBRYDE OPTION.

C. H. W. Norton left in the Miowera last night on his way to London whither he is bound with \$500,000 worth of McBryde stock on which he has an option at par. His endeavor will of course be to place this amount on the London market and, in the event of his success, there will be a noticeable jump in the stock here.

Mr. Norton is to be joined by Col. George W. Macfarlane who will accompany him to London. As Mr. Macfarlane knows all the most important business men in that city, his presence will be of the greatest value in the disposition of the stock. Mr. Norton knows no one there and so, of course, he will have to be guided entirely by what Col. Macfarlane advises.

Business Progress.

"There's nothing succeeds like success" goes the proverb and accordingly the establishment of Jas. Nott the plumber should go ahead with leaps and bounds. He has a large corps of competent mechanics always at work and is doing a rushing business. He has just moved his establishment down town to a location on Fort street opposite the Club Stables, where he will be in closer touch with the business community. Here he has on display a complete line of up to date plumbing supplies of all kinds to suit all tastes and purses. In making estimates on work he figures only a living profit without any effort or inclination to pinch his customers and anyone having plumbing to do will do well to have him figure on the job.

Both Were Fined.

Mrs. A. Clark and Baldwin, the two who appeared in the Police Court yesterday forenoon on the charge of adultery, appeared before Judge Wilcox this forenoon for sentence. The man was fined \$30 and costs and the woman \$10 and costs. Joe Clark will soon bring in proceedings for a divorce from his wife.

Special attention is called to the display of toys and Xmas goods at L. B. Kerr & Co.'s. A full line is in stock and of the very finest.

GOLD STORAGE TRADE

IT WILL PLAY IMPORTANT PART IN OUR MARKET

Albion Delivered Goods to New Meat Market in First Class Condition --Brings Us in Close Touch With Coast.

The question of handling large consignments of food supplies and transporting the same to the ports of the world is certainly an interesting subject. Today the business has reached enormous proportions, and in many cases the ocean steamers are equipped with refrigerating plants to enable them to do a freighting in frozen meats. Others, for the purpose of carrying the refrigerated meats, etc. required for daily consumption. Most of the plants include an ice-making apparatus to make daily the quantity of ice required for the use of passengers.

In the installation of these cold storage plants on shipboard they must be specially constructed and arranged so that they will occupy as little room as possible, and to suit many conditions of operation that are met with only on shipboard, which are usually severe through or to tropical ports. The United States Government realizing the untold benefits have supplied the entire Philippine transport service with refrigerating and ice-making plants. Within the past few years the regular lines of steamers to this port have carried more or less perishable goods in cold storage, but the increase of the population has justified the putting on of several lines of cold storage steamers of large carrying capacity.

The Kimball Steamship Company of San Francisco has inaugurated a line of cold storage steamers, one of which, the Albion, left here last night after having discharged her cargo of fish, flesh and fowl. The Albion has been equipped with the Vulcan Ice Machine Company's direct expansion cold storage system consisting of four small independent plants which can be worked singly or as a whole in any part of the vessel and capable of carrying any temperature. It will be impossible to go into the mechanical side of the Albion's refrigerating plant, but it will suffice to say that the entire cargo of cold storage goods which were consigned to the Honolulu Market Co., Ltd., came out in excellent condition.

In conversation with F. H. Cherry who has charge of the refrigerating machinery on the Albion, he had this to say: "I came to Honolulu in charge of the cold storage plant of the Albion for the Vulcan Iron Works in San Francisco who are extensive builders of refrigerating and ice making machinery. You may state that the food supplies consigned to your local market came out of cold storage in excellent shape. Regarding the temperature of the cold storage rooms I will state that beef is kept at 20 degrees, eggs 32 degrees and beer about 40 degrees and so on. Hereafter we will make more rapid progress in discharging our cold storage supplies the delay being due to the fact that it could not immediately be taken care of and so remained in the steamer's cold storage."

"Captain Erickson, who is in command of the steamer Albion is well known among shipping circles, while Engineer S. W. Griffiths is the right man in the right place."

TERRITORIAL COURTS

J. A. Magoon, administrator of the estate of Alina, with the will annexed, reports having received \$3049.10 and paid \$3043.54, leaving a balance of \$556. Two days previous to his filing of the accounts, Ahau Thina, daughter of deceased and one of the legatees, filed a motion to compel him to do so.

Answers and demurrers are dropping in, at an average of two or three a day, in the different lawsuits wherein the Palawai Development Co. is involved.

Chief Justice Frear and Justice Perry sat again long enough to adjourn for another day in hope of the steamer Sierra's arrival meantime with the other member of the Supreme Court, Justice Galbraith.

Noblitt Cases Nolle Pro'd.

Dr. Noblitt appeared in the Police Court this forenoon on the charge of practicing medicine without a license. In view of the fact that the defendant was discharged in the Circuit Court on the appealed case which was tried in the Police Court a short time ago, the prosecution felt justified in asking for a nolle prosequi. Dr. Noblitt has never been found guilty of the charge of practicing medicine without a license.

John Wilcock, native of England, and Edward W. Nunes, of Dutch Guiana, were naturalized by Judge Estee this morning.

SUICIDE VERDICT IN BENNETT CASE

Jury Finished Deliberations at 10 p. m. Last Night.

SCNEIDER CASE STILL UNDER CONSIDERATION

Major Ennis Testifies to Bennett's Good Character--Contradictory Statements of Soldiers and Ottoman.

At 10 o'clock last night, the Coroner's jury in the case of the death of Bennett, the scout, returned a verdict of death by suicide, the exact wording of which is as follows:

"That the said Frank P. Bennett came to his death at Honolulu, Island of Oahu, on the 14th day of December, A. D. 1900, from a gunshot wound caused by a bullet discharged out of a revolver held in his own hand with suicidal intent."

In the case of the death of Miss Clara Schneider, the jury found a more complex question to deal with. It was midnight before this body finished its deliberations and even then, the members refused to hand in a verdict, saying that they wished more evidence. This being the state of affairs, there was nothing more to do but to adjourn until today, the Coroner setting the time of coming together again at 12 noon.

The first witness called to the stand in the Schneider case was Dr. Shorey, the chemist of the Board of Health. His testimony dealt entirely with certain white specks which had been found on the shawl of the deceased when she was discovered at the point of death. It was thought by some of the jurymen that the specks were morphine but Dr. Shorey exploded this theory by saying that he had found a lot of lime in them and that he believed them to be whitewash. Most of the spots appeared to have been rubbed into the shawl as if against a fence or something of the kind.

R. M. Barnard, the physician and surgeon at Camp McKinley, testified to the reliability and integrity of the dead scout. He did not believe that Bennett had ever used morphine. No call had ever been made on him for the drug. He knew of a wound in the region of the head and he also knew that the deceased was troubled with insomnia. Dr. Barnard said that the scout was the most abstemious man in all ways that he had ever known. He was strictly temperate and his mind never ran to women. At the camp, he was regarded as being every inch a gentleman.

In regard to money matters, Dr. Barnard said the scout had told him he had borrowed money to assist in the payment of the expenses of the wife of a friend at the hospital. This woman the doctor said he believed to be Mrs. Ottmann. W. M. Campbell testified to being acquainted with the deceased. At one time she let him have \$300 to invest and about three weeks afterwards, asked to have the money back as she had a chance to give it to another friend who would put it out at a better rate of interest. He gave her back the money immediately.

Major William Ennis, in charge at Camp McKinley, told the following story of his association with Scout Bennett and what he knew of him from others:

"I have known Mr. Bennett since February last, and have been in intimate association with him. He was not a drinking man, and never to my knowledge, or to the knowledge of any one I ever heard speak of him, took a drink of intoxicating liquor, except on one occasion, when he had been badly injured by a horse he had been riding, and I induced him to take a drink of whiskey. He was a man of fearless courage, as history will tell. His scout

(Continued on page 3.)

The Orpheum.

The program is entirely changed this evening at the Orpheum, a new farce given on, which is a laugh maker calculated to discount anything up to date. The olio bill will be fresh throughout. The Saturday matinee program has been arranged to suit the tastes of the little ones. Little Claire Fex of course is the main attraction, but the rest of the bill will be light in character, plenty of bright singing and laugh making. The Sunday concert, which is being given with the sanction and approval of the authorities has been vigorously rehearsed until the result will be a first class musical treat for the public. The selections are all from the first composers and their oratorios and

operas. There is not a member of the orchestra who is not capable of solo work and under the direction of Paul Egry this result should be most satisfactory. Paul himself of course has a solo chosen from Il Trovatore, Miss Le Claire sings the Ave Maria and Kurkamp renders a selection from the oratorio of Elijah. Miss Raymond should furnish a treat in Schubert's serenade and the sextette is sure to be good. The concert is undoubtedly an opportunity of hearing good music by good musicians at a cost of nothing, except to the management. Smoking will be prohibited at these concerts.

Still Born Infant.

The body of a still born infant, nationality unknown, was found near the sewer outfall at Kakaako yesterday afternoon by L. G. Wallace, the chief engineer of the sewer system. The corpse was lying between two piles and it is thought must have been washed in from outside. Captain Fox of the Mounted Patrol, saw that the body was removed to the morgue where an autopsy was held by Dr. Pratt. A Coroner's jury was summoned and, after viewing the body and hearing the evidence, a verdict was returned to the effect that the male child, nationality unknown, died about December 17, being still born.

LIFE CRUSHED OUT

JAPANESE THROWN UNDER WHEEL OF A HEAVY DRAY

Was Riding Along on a Bicycle to Scene of His Labors--Life Did Not Last Long.

There was a fatal accident on King street just outside of the Territorial Stables this morning at a little after 7 o'clock. The result was the death of a Japanese painter, Taginana by name, who was on his way from his shop on PUNCHBOWL street, opposite Kawaiahao church, to a house on the Plains which he was painting.

One of Hustace's drays was just coming in from the stables out on South street as the Japanese was riding out. The street at the point mentioned is being macadamized on its mauka side and the driver of the dray found it necessary to take to the left hand side of the street. In order to allow other vehicles room to pass, he went very close to the tram car track.

Taginana saw he had plenty of room to pass by and so did not slow up. He had passed the horses and was about clear of the front wheel of the dray when the front wheel of his bicycle struck a stone in the street. The poor fellow was thrown directly between the front and back wheels and before the driver of the dray knew what had happened the back wheel had passed diagonally across the body of the Japanese from the leg to the shoulder. The wheel missed the head but the condition of the body was enough to show that life could not last very long.

The patrol wagon was sent for and the injured man taken to the hospital. Upon examination there, it was found that there was no hope. The poor fellow died in a very few minutes. The wheel, in passing over the body had crushed vital parts, making internal injuries that were sure to cause death.

A Coroner's jury has been summoned and the case will be considered this afternoon. The work of the Coroner's juries seems to show no signs of falling off. There has been a continual demand for the services of these bodies of men for over a week past.

An Assault Case.

The case of C. J. Smith, charged with assault and battery on George Sea, a special police officer, was called in the Police Court this forenoon but was nolle pro'd because the complaining witness did not desire to push the case. It appears that Smith and a friend got into trouble in an uptown saloon and Sea, hearing the noise, went into separate the contestants. He caught hold of Smith and the latter immediately ceased the attack upon his friend and started in on the officer. Sea then took his man to the police station.

Suit for Partition.

Elizabeth H. Robinson has brought suit against Isaac J. Robinson for the partition of a certain piece of land in that section of the city known as Namanu. The complainant claims one-half of the property in fee simple and states that the defendant is entitled to the other half. The defendant is now at Kalaupapa, Molokai. J. A. Magoon is the attorney for the complainant.

A complete new stock of shoes has been received at L. B. Kerr & Co.'s shoe store, corner Fort and Hotel streets and will be sold at the mere shaving of profits.

WAS UNKNOWN HAND

THAT ADMINISTERED THE POISON TO MISS SCHNEIDER

Verdict of Coroner's Jury Rendered at 2 p. m. Today--Medicine Chest That Did Not Materialize.

The jury in the case of the death of Clara Schneider at Waikiki handed in its verdict at 2 p. m. today after a short session. The session was called for 12 noon but there was a delay owing to a trip of the Coroner to Waikiki after a medicine chest it was alleged was at the Neumann place. Nothing of the kind was found. The jury rendered the following verdict:

That the said Miss Clara Schneider came to her death at Waikiki, in the District of Honolulu, Island of Oahu, on the 12th day of December, A. D. 1900, from morphine poisoning, said morphine having been administered by some person to this jury unknown.

[Signed:] WM. M. MULLER,
W. B. ALLEN,
W. B. NOTT,
H. A. JEN,
E. E. MOSSMAN,
R. F. DALY.

This means, of course, that the jury has absolutely no evidence as to how the morphine was administered to the deceased. She may have taken it herself and it may have been given her,

THE THOUSANDS INVOLVED

Judge Stillman, when regularly on the Circuit Court bench, gave the original decision, which the Supreme Court upheld, in favor of the owners of the barkentine William Carson against the steamer Claudine and her owners for the value of the destroyed vessel. The judgment amounted to about \$55,000. Judge Estee's decision in the Federal court decrees an aggregate of \$10,212.50 to be paid the captain of the William Carson and the assignee of the owners of the cargo, with interest which will bring the amount up to nearly \$11,000. The Wilders are endeavoring to get the Federal appellate courts of the ninth district to take jurisdiction in an appeal from the Territorial courts, and have announced their intention of taking an appeal from the Federal court here for which the jurisdiction is undoubted. If the appellate court decline to take jurisdiction of the case from the Territorial courts, the Wilder Steamship Co. will have to abide by the latter's final decision. Otherwise, the Court of Appeals for the Ninth U. S. Circuit will probably hear all three cases together, which involve an aggregate of \$66,000 to the appellants, besides costs and attorney's fees. It will be one year on December 27 since the collision happened.

ORPHEUM SUNDAY CONCERT.

The following is the program for the sacred concert to be given at the Orpheum on Sunday evening.

PART I.
March--Gloria Mozart
Overture--Semiramide Rossini
Soprano Solo--Ave Maria Mascagni
Miss Le Claire.
Violin Solo--Il Trovatore Verdi
Mr. Paul Egry.
PART II.
Selection--Tannhauser Wagner
Tenor Solo--Elijah Mendelssohn
Mr. John Kurkamp.
Cornet Solo--Serenade Schubert
Miss Alice Raymond.
Sextette--Lucia di Lammermoor Donizetti
Miss Le Claire, Mrs. Cohen, Messrs. Kurkamp, Rockwell, Melvin, Adams.
Finale--Coronation Meyerbeer

The committee on the plan of action named by the Republican Charter commission has had several important meetings to prepare its report for tonight. The general scheme is said to favor putting the charter in the hands of a sub-committee which shall report each week to the central body for more thorough discussion. The general committee will have a session tonight to act upon such suggestions as may be brought before it.

At 1:15 o'clock this afternoon, a warrant was issued for the arrest of the following Chinamen on the charge of assault and battery on Charles Lo Long, a well known Chinaman about town: Lau See, Pang Chong, Pun Nam, Ah Kun, Choy Look and Lum Lal.

A dainty piece of lacquerware or some odd-looking Japanese curio would make an excellent Christmas present. For sale by Iwakami, Hotel street.

THE WATERMAN IDEAL FOUNTAIN PEN. All sizes, all shapes. H. F. WICHMAN.

REGISTRATION REVOLUTION

Registry of Conveyances Will Adopt Card System.

MASSACHUSETTS EXPERT IN CHARGE OF WORK

Searching of Records to be a Matter of Minutes Instead of Days and Hours as Now.

Thomas G. Thrum, Registrar of Conveyances, is preparing to introduce a new method of indexing. It will be more than a change, it will amount to a revolution in saving of time and trouble. The card catalogue system is to be adopted.

Charles H. Merriam, for seven years before coming here assistant registrar at Fitchburg, Mass., has the work of inaugurating the method in hand. To a Bulletin reporter Mr. Merriam made the following explanatory statement:

"A classified card index will be started the first of the year, which will make a classification of instruments as they are received, and which will keep the indexes in a classified form up to date.

"The system to be used is that patented by the Library Bureau Company of Boston, Mass. It is the system that is in use in most Eastern registries and quite similar to that used in many public libraries."

Mr. Merriam showed the reporter cuts of the drawers containing cards employed in the system. There is a label on the front of the drawer bearing a family name, such as Brown, and a protruding tag on the card shows the name preceded by the given name or initials of the individual. Mr. Merriam continued:

"There will be two cases containing each twenty-four card drawers, public reference to which can be made at any time. The cases will be filled as fast as the instruments for which the cards are made are completed."

Mr. Thrum, in answer to a question, said:

"This starts with the new year. We shall reduce the old indexes to the card system provided the Legislature be favorable. What we aim at is to put the whole system into the dictionary method. Every man's transactions recorded will appear in consecutive entries."

Mr. Merriam further explained:

"This system when completed will give each person's conveyances for the period in which the index is made in absolutely consecutive order, no other person's conveyances being entered in that space. As soon as people get used to the card system they will not refer to the books of index at all."

Anybody who has ever watched the labors of searchers of records, will realize the saving of their time and that of the clerks, not to mention wear and tear of the expensive books which is involved in the latter promise. Mr. Thrum put the matter pithily when he remarked, "Instead of days and hours in searching, it will be a matter of minutes."

They are on exhibition in our large window.

Prices Range From
\$1.50 to \$7.50.

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